

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY: *[Signature]* D.C.

05 JUN 21 PM 3:47

ROBERT R. DI TROLIO
CLERK, U.S. DIST. CT.
W.D. OF TN, MEMPHIS

MARK J. CHIDESTER,

Plaintiff,

v.

CITY OF MEMPHIS, et al.,

Defendants.

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No. 02-2556 Ma/A

ORDER DENYING AS MOOT DEFENDANT J.H. THOMAS' MOTION TO STAY

Before the court is defendant J.H. Thomas' motion to stay discovery, filed on January 11, 2005. Thomas asks the court to stay discovery until the court has determined whether Thomas is shielded from suit by qualified immunity. In an order entered on January 28, 2005, this court found "that Officer Thomas is not shielded by the doctrine of qualified immunity" from Chidester's 42 U.S.C. § 1983 claim for use of excessive force in violation of Chidester's Fourth and Fourteenth Amendment rights. Accordingly, the court DENIES as moot Thomas' motion to stay discovery.

So ordered this 20th day of June 2005.

[Signature]

SAMUEL H. MAYS, JR.
UNITED STATES DISTRICT JUDGE

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Randall Blake Tolley
LAW OFFICE OF RANDALL B. TOLLEY
242 Poplar Ave.
Memphis, TN 38103

Jean Markowitz
CAUSEY CAYWOOD
100 North Main St.
Ste. 2400
Memphis, TN 38103

Henry L. Klein
APPERSON CRUMP & MAXWELL, PLC
6000 Poplar Ave.
Ste. 400
Memphis, TN 38119--397

Thomas E. Hansom
HANSOM LAW OFFICE
659 Freeman Street
Memphis, TN 38122--372

Eugene C. Gaerig
LAW OFFICES OF EUGENE C. GAERIG
100 N. Main Street
Ste. 3118
Memphis, TN 38103

Christopher Lee Brown
GOTTEN WILSON SAVORY & BEARD, PLLC
88 Union Ave.
14th Floor
Memphis, TN 38103

Honorable Samuel Mays
US DISTRICT COURT